

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BRUCE BIRCH,

Plaintiff,

Case No. 3:19-cv-00640-APG-WGC

PAM DEL PORTO, *et al.*,

Defendants.

ORDER

On January 12, 2021, the defendants filed a suggestion of death on the record stating that plaintiff Bruce Birch had passed away on January 8, 2021. ECF No. 44.

If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.

Fed. R. Civ. P. 25(a)(1). On January 14, 2021, I issued an order allowing 90-days for a motion for substitution to be filed by any party or by Birch's successor or representative. ECF No. 45. That period has expired and there has been no motion for substitution. I thus dismiss the case.

I THEREFORE ORDER that this case is dismissed under Fed. R. Civ. P. 25(a)(1).

I FURTHER ORDER the Clerk of the Court to close the case and enter judgment accordingly.

DATED: April 16, 2021.

ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE